

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

WHITING-TURNER CONTRACTING CO., ) Case No. 2:13-cv-00916-GMN-PAL  
Plaintiff, ) **ORDER**  
vs. ) (Mtn to Stay - Dkt. #10)  
FIRST MOUNTAIN BANCORP, ) (Mtn to Dismiss - Dkt. #11)  
Defendant. )

This matter is before the court on Defendant First Mountain Bancorp's Motion for Hold to be Placed on the Case (Dkt. #10) and Motion to Dismiss the Case (Dkt. #11) which were filed as one Motion on June 21, 2013. Because Defendant requested two forms of relief, the Clerk of the Court docketed the paper as two separate Motions. The motion was filed by George Gowen, pro se, that is, as an unrepresented person. Mr Gowen is not named as a Defendant. The only Defendant named in the complaint is First Mountain Bancorp, Trustee which is alleged to be a Nevada corporation.

A corporation cannot appear except through counsel. *Rowland v. California Men's Colony*, 506 U.S. 194, 201-02 (1993); *U.S. v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993).

Accordingly,

**IT IS ORDERED:**

1. Defendant First Mountain Bancorp shall designate counsel of record authorized to appear in this action on its behalf **no later than August 30, 2013**.
2. Failure to timely comply with this Order may result in a recommendation of sanctions, up to and including case-dispositive sanctions.

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3. The Motion for Hold (Dkt. #10) and Motion to Dismiss (Dkt. #11) are STRICKEN.

Dated this 1st day of August, 2013.

Peggy A. Teer  
PEGGY A. TEER  
UNITED STATES MAGISTRATE JUDGE